

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

STERLING G. BATTLE

Plaintiff

vs.

BRUCE BATTLE

Defendant

CIVIL ACTION NO.: 8:10-mc-00023

**PLAINTIFF'S MOTION TO VACATE JUDGMENT AND RELEASE WRIT OF
GARNISHMENT**

Your Plaintiff, by and through counsel, moves to vacate the judgment in the above-entitled matter and to release the writ of garnishment filed in this case and as grounds states as follows:

1. On January 15, 2010, Plaintiff registered a foreign judgment entered against the Defendant in the United States District Court for the Northern District of Georgia (DE 1).
2. Plaintiff then filed a request for writ of garnishment on wages against Compass Group, USA, Inc. (DE 5).
3. This Honorable Court granted Defendant's motion to stay proceedings as to the writ of garnishment until a decision from the United States District Court for the Northern District of Georgia was entered as to Defendant's motion for relief from the default judgment (DE 14).

4. On March 4, 2011, the United States District Court for the Northern District of Georgia granted Defendant's motion for relief from the default judgment entered in that Court (DE 18, Case Number 1:09-cv-1584-CAP). Based upon the entry of an order of the originating Court vacating the default judgment, Plaintiff moves pursuant to Rule 60(b)(4) for relief from this judgment on the grounds that it is void.

WHEREFORE, your Plaintiff requests that this Honorable Court issue an order vacating the judgment and releasing the writ of garnishment on Compass Group, USA.

THE LAW OFFICES OF RONALD S. CANTER, LLC

/s/ Ronald S. Canter

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was served upon the individual listed below by Electronic Notification and by First Class Mail, Postage Prepaid on this 24th day of March, 2011 to:

Kendra Randall, Esquire
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FIRST CLASS MAIL
Compass Group USA, Inc.,
t/a Canteen Vending Services
SERVE: Resident Agent
The Corporation Trust, Incorporated
351 West Camden Street, MD 21201
Garnishee

/s/ Ronald S. Canter

Ronald S. Canter, Esquire
Attorney for Plaintiff